



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street  
New York, New York 10007*

July 13, 2020

**BY ECF**

Honorable Robert W. Lehrburger  
United States Magistrate Judge  
United States Courthouse  
500 Pearl Street, Room 1960  
New York, NY 10007

Re: *The New York Times Company v. U.S. Department of State et al.*, 19 Civ. 9420 (RWL)

Dear Judge Lehrburger:

This Office represents the Department of State (the “State Department”) and the Department of Justice (the “DOJ”) in the above-captioned Freedom of Information Act (“FOIA”) lawsuit. We write respectfully to request that DOJ’s July 15, 2020 deadline to make its next release of responsive, non-exempt records be adjourned. Counsel for plaintiff The New York Times Company (the “Plaintiff”) consents to the request.

DOJ made its third production of non-exempt records responsive to Plaintiff’s FOIA requests on June 25, 2020. For various reasons, FOIA staff within DOJ’s Office of Inspector General (“OIG”) was able to complete a larger-than-anticipated volume of review for the June production, and DOJ-OIG now has substantially completed its response to the DOJ-OIG FOIA requests at issue in this litigation.<sup>1</sup> The only remaining potentially responsive records for the DOJ-OIG FOIA requests are certain records that required referral to or consultation with other offices or agencies—a total of approximately 10 records consisting of approximately 80 pages. DOJ-OIG has been in contact with the relevant agencies and offices to ensure that those records are being processed. While one such record was produced last week, based on the other responses DOJ-OIG has received to date, it is DOJ-OIG’s understanding the processing of the remaining referred records will not be complete by July 15, 2020. DOJ-OIG hopes that it will have any remaining responsive, non-exempt records from the referral/consultation materials ready to produce by the next scheduled production deadline of August 14, 2020.

In light of the fact that DOJ-OIG processed a greater number of records than anticipated in June, and that the only remaining potentially responsive records are currently still subject to

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<sup>1</sup> In prior correspondence, DOJ-OIG reported that it had identified approximately 25,000 pages of records to be processed. *See* Dkt. No. 27 at 2. Upon further review, this preliminary page count substantially overstated the volume of potentially responsive records because it mistakenly included numerous documents that were not actually responsive to Plaintiff’s FOIA requests.

referral/consultation, DOJ-OIG respectfully requests that its July 15, 2020 production deadline be adjourned. If the request is granted, DOJ-OIG would make its next, and hopefully final, production of responsive, non-exempt records on August 14, 2020, in accordance with the schedule established by the Court's May 28, 2020 order. *See* Dkt. No. 36. This is DOJ's first request for an adjournment of the July 15, 2020 production, and as previously indicated, counsel for Plaintiff consents to the request.

We thank the Court for its consideration of and attention to this matter.

Respectfully submitted,

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